

House File 564 - Introduced

HOUSE FILE 564
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 163)

(COMPANION TO LSB 2518SV BY
COMMITTEE ON JUDICIARY)

A BILL FOR

1 An Act relating to the transfer of jurisdiction from the
2 juvenile court to the district court related to a child in
3 need of assistance case.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 232.103A Transfer of jurisdiction
2 related to child in need of assistance case — bridge order.

3 1. The juvenile court may close a child in need of
4 assistance case by transferring jurisdiction over the child's
5 custody, physical care, and visitation to the district court
6 through a bridge order, if all of the following criteria are
7 met:

8 a. The child has been adjudicated a child in need
9 of assistance in an active juvenile court case, and a
10 dispositional order in that case is in place.

11 b. Paternity of the child has been legally established,
12 including by operation of law due to the individual's marriage
13 to the mother at the time of conception, birth, or at any
14 time during the period between conception and birth of the
15 child, by order of a court of competent jurisdiction, or by
16 administrative order when authorized by state law.

17 c. The child is safely placed by the juvenile court with a
18 parent.

19 d. There is not a current district court order for custody
20 in place.

21 e. The juvenile court has determined that the child in need
22 of assistance case can safely close once orders for custody,
23 physical care, and visitation are entered by the district
24 court.

25 f. A parent qualified for a court-appointed attorney in the
26 juvenile court case.

27 2. When the criteria specified in subsection 1 are met, any
28 party to a child in need of assistance proceeding in juvenile
29 court may file a motion with the juvenile court for a bridge
30 order under subsection 1. Such motion shall be set for hearing
31 by the juvenile court no less than thirty days nor more than
32 ninety days from the date of filing the motion. The juvenile
33 court, on its own motion, may set a hearing on the issue of a
34 bridge order if such hearing is set no less than thirty days
35 from the date of notice to the parties.

1 3. The juvenile court shall designate the petitioner and
2 respondent for the purposes of the bridge order. A bridge
3 order shall only address matters of custody, physical care, and
4 visitation. All other matters, including child support, shall
5 be filed by separate petition or by action of the child support
6 recovery unit, and shall be subject to existing applicable
7 statutory provisions.

8 4. Upon transferring jurisdiction from the juvenile court
9 to the district court, the clerk of court shall docket the
10 case. Filing fees and other court costs shall not be assessed
11 against the parties.

12 5. The district court shall take judicial notice of the
13 juvenile file in any hearing related to the case. Records
14 contained in the district court case file that were copied or
15 transferred from the juvenile court file concerning the case
16 shall be subject to section 232.147 and other confidentiality
17 provisions of this chapter for cases not involving juvenile
18 delinquency, and shall be disclosed, upon request, to the child
19 support recovery unit without a court order.

20 6. Following the issuance of a bridge order, a party may
21 file a petition in district court for modification of the
22 bridge order for custody, physical care, or visitation. If
23 the petition for modification is filed within one year of
24 the filing date of the bridge order, the party requesting
25 modification shall not be required to demonstrate a substantial
26 change of circumstances but instead shall demonstrate that
27 such modification is in the best interest of the child. If
28 a petition for modification is filed within one year of the
29 filing date of the bridge order, filing fees and other court
30 costs shall not be assessed against the parties.

31 7. Nothing in this section shall be construed to require
32 appointment of counsel for the parties in the district court
33 action.

34

EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill provides for the issuance of a bridge order to
3 transfer jurisdiction related to a child in need of assistance
4 (CINA) case from the juvenile court to the district court.
5 Under the bill, the juvenile court may close a CINA case by
6 transferring jurisdiction over the child's custody, physical
7 care, and visitation to the district court through a bridge
8 order, if: the child has been adjudicated a CINA in an active
9 juvenile court case, and a dispositional order in that case is
10 in place; paternity of the child has been legally established,
11 including by operation of law, by order of a court of competent
12 jurisdiction, or by administrative order when authorized by
13 state law; the child is safely placed by the juvenile court
14 with a parent; there is not a current district court order for
15 custody in place; the juvenile court has determined that the
16 CINA case can safely close once orders for custody, physical
17 care, and visitation are entered by the district court; and a
18 parent qualified for a court-appointed attorney in the juvenile
19 court case.

20 If all of the criteria specified are met, any party to a
21 CINA proceeding in juvenile court may file a motion with the
22 juvenile court for a bridge order. Such motion is required to
23 be set for hearing no less than 30 days and not more than 90
24 days from the date of filing the motion. The juvenile court,
25 on its own motion, may set a hearing on the bridge order if the
26 hearing is set no less than 30 days from the date of notice to
27 the parties.

28 The bill directs the juvenile court to designate the
29 petitioner and respondent for the bridge order, which is
30 limited to addressing only matters of custody, physical care,
31 and visitation. All other matters, including child support,
32 are to be filed by separate petition or by action of the child
33 support recovery unit (CSRU) and are subject to existing
34 applicable statutory provisions.

35 Upon transferring jurisdiction, the clerk of court is

1 directed to docket the case. Filing fees and other court
2 costs are not to be assessed against the parties. The bill
3 provides that the district court shall take judicial notice
4 of the juvenile file in any hearing related to the case and
5 provides for confidentiality of the records contained in the
6 district court case file that were copied or transferred from
7 the juvenile court file and for disclosure of the records to
8 the CSRU, upon request, without a court order.

9 The bill provides for modification of the bridge order for
10 issues relating only to custody, physical care, or visitation.
11 If the petition for modification is filed within one year of
12 the filing date of the bridge order, the party requesting
13 modification is not required to demonstrate a substantial
14 change of circumstances, but instead must demonstrate that
15 such modification is in the best interest of the child.
16 Additionally, if a petition for modification is filed within
17 one year of the filing date of the bridge order, filing fees
18 and other court costs are not to be assessed against the
19 parties. Nothing in the bill is to be construed to require
20 appointment of counsel for the parties in the district court
21 action.